

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

KEVIN T. HARRISON, JR.,

Plaintiff,

v.

MICHAEL C. HAKALA, et al.

Defendants.

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No. 4:22-CV-361-PLC

MEMORANDUM AND ORDER

This matter is before the Court upon review of the file. Plaintiff Kevin T. Harrison, Jr., an inmate at the Jefferson City Correctional Center (“JCCC”), initiated this action by filing a Prisoner Civil Rights Complaint Under 42 U.S.C. § 1983 against Corizon employees. He also filed a motion seeking leave to proceed *in forma pauperis*. The Court granted the motion, reviewed the complaint pursuant to 28 U.S.C. § 1915(e)(2), and determined this action was subject to dismissal.

On July 8, 2022, the Court entered an order giving plaintiff the opportunity to file an amended complaint. In that order, the Court clearly explained why this action was subject to dismissal, gave plaintiff clear instructions about how to prepare the amended complaint, and cautioned him that his failure to timely file an amended complaint could result in the dismissal of his case without prejudice and without further notice. The Court also directed plaintiff to pay an initial partial filing fee.

Plaintiff’s response was due to the Court on August 8, 2022. To date, however, he has neither filed an amended complaint, nor sought additional time to do so. The Court gave plaintiff meaningful notice of what was expected, cautioned him that his case would be dismissed if he


failed to timely comply, and waited an additional period of time to allow him to comply. Therefore, this action will be dismissed without prejudice due to plaintiff's failure to comply with this Court's July 8, 2022 order and his failure to prosecute this case. *See* Fed. R. Civ. P. 41(b); *see also Brown v. Frey*, 806 F.2d 801, 803 (8th Cir. 1986) ("A district court has the power under Fed. R. Civ. P. 41(b) to dismiss an action for the plaintiff's failure to comply with any court order . . ."); *Dudley v. Miles*, 597 F. App'x 392 (8th Cir. 2015) (per curiam) (affirming dismissal of *pro se* litigant's complaint under Fed. R. Civ. P. 41(b) for failure to file an amended complaint).

Accordingly,

IT IS HEREBY ORDERED that this case is **DISMISSED** without prejudice. A separate order of dismissal will be entered herewith.

IT IS HEREBY CERTIFIED that an appeal from this dismissal would not be taken in good faith.

Dated this 22nd day of August, 2022.



JOHN A. ROSS
UNITED STATES DISTRICT JUDGE